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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,265	10/21/2003	Dominik J. Schmidt	IVT.0034US	4596
21906 7590 05/04/2007 TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER DOAN, KIET M	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 05/04/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/690,265

Applicant(s)

SCHMIDT, DOMINIK J.

Examiner

Kiet Doan

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This office action is response to Remarks file on 02/08/2007.

Claims 1-4, 8, 12 are amended.

Claim 5 cancelled.

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1, 8 and 12 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3, 6-10 and 12-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai et al. (Pub. No. 2003/0125073) in view of Hamalainen et al. (Patent No. 6,240,079)

Consider **claim 1**. Tsai teaches a method for securing a wireless communication medium using a Subscriber Identity Module (SIM) card, comprising:

determining a SIM card insertion and if so accessing SIM data and transmitting the SIM data to a base station for comparison with a local copy of an authorized user data file;

granting mobile unit access to the base station if the comparison is indicative of a match and otherwise indicating an access (Paragraphs [0024-0026], [0030], [0036])

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teach the mobile phone contain Sim card that access base station on Sim card identify.

Fig.2 Illustrate and described). Croome teaches the limitation of claim as discuss **but silent on** and

If the mobile unit access is grant, determining a desired level of service; and dynamically adjusting a number of time slots assigned to the medium during the transmission to remain within limits of said desired level of service via the dynamically adjust number of time slots and at least one short-range wireless medium.

In an analogous art, Hamalainen teaches "Data transmission method in a TDMA mobile communication system". Further, **Hamalainen teaches** If the mobile unit access is grant, determining a desired level of service; and dynamically adjusting a number of time slots assigned to the medium during the transmission to remain within limits of said desired level of service via the dynamically adjust number of time slots and at least one short-range wireless medium. (Abstract, C2, L25-50, C3, L59-60, C4, L1-10, C5, L1-50 teach the desired level of service and dynamically adjusting a number of time slots, Hamalainen teaches all limitation as discuss bur not mention on short range, however in Tsai reference indicated the mobile phone system can be different type network such as 802.11 in paragraph [0036] which read on at least one short-range wireless medium).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Tsai and Hamalainen system, such that transmitting the SIM data to a base station for comparison with a local copy of an authorized user data file and determining a desired level of service and number of time slots assigned to the medium during the transmission to remain within limits of said

desired level of service, to provide means for the security when the users access base station and the available service time slots during transmission.

Consider **claims 2-4, 9-11 and 13-15**. Tsai teaches the method of claim 1, wherein the wireless communication medium conforms to an 802.11/Bluetooth specification and 2.4 gigahertz (Paragraphs [0036] teach the system can be 802.11 which inherently contain short range/Bluetooth and 2.4 Gig).

Consider **claim 6**. Hamalainen teaches the method of claim 1, wherein the dynamic adjusting comprises: determining available time-slot resources; detecting the wireless communication medium that fails to meet said desired level of service; allocating the wireless communication medium to a configuration having additional time slots; and transmitting a channel assignment message including information on the allocated configuration with the additional time slots (C2, L25-50, C4, L1-45, C5, L1-50).

Consider **claim 7**. Hamalainen teaches the method of claim 6, further comprising instructing transceivers to communicate only in their newly allocated time-slots (C4, L40-45).

Consider **claims 8 and 12**. Tsai teaches a method for data transmission comprising:

securing access to base station using a SIM card of a mobile station;

If the access is secured, selecting one of first and second wireless media that overlap in frequency as a common wireless medium for the mobile station;

routing/instructing transceivers for the first and second media to communicate through the mobile station only via common wireless medium (Paragraphs [0024-0025], [0030] Fig.2 and Fig.4, Illustrate and described mobile station 100 access base station using Sim card and select network that server BTS and connected to fix telephone 140).

### ***Conclusion***

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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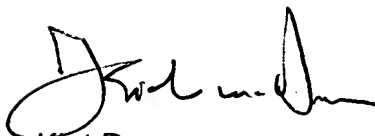
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863.

The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Kiet Doan  
Patent Examiner

JEAN GELIN  
PRIMARY EXAMINER

